The Times Dispatch

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HOUSE MEMBERS SPEND BUSY DAY

Dispose of Important Bills and Plan for Future.

PRIMARY MEASURE APPARENTLY DEAD

Senate Committee Fails of Quorum—Prohibition Enabling Act Will Be Considered To-Day—Tax Commission Bill Made Special Order for Thursday.

In two sessions of four hours yesterday, the House of Delegates passed to their engrossment the bills forbidding the employment of women for more than ten hours a day in stores and laundries and the bill prohibiting the employment of boys under sixteen years of age at night and of boys under ten years selling newspapers; passed finally the committee bills putting 600 convicts on the roads and 500 to contract in the penitentiary; passed a bill extending the hours of work in Capitol offices; set the lime grinding bill for hearing to-morrow and the Tax Commission bill for Thursday, and refused to take up out of its order the bill increasing the salaries of judges of the Supreme Court of Appeals.

The Senate deferred consideration of the bills providing that the State take over the Laurel Industrial School and the Home and Industrial School for Girls at Bon Air, and discussed, without reaching a vote, the Norfolk water supply bill.

Did Not Consider Primaries.

Adding to senatorial achievements for the day, its Committee on Privileges and Elections failed of a quorum last night to consider the Featherston-Byrd primary bill. It is supposed that this means inaction with regard to this measure, and its advocates are gloomy over the outlook.

But not to the Senate alone is reserved the prerogative of killing bills passed by the other body. The House Committee on Roads and Internal Navigation, at a meeting held yesterday morning, slaughtered Senator West's bill to require conductors on trains to accept coupons from interchangeable mileage books. This measure had passed the Senate, but the House committee passed it by indefinitely.

The action of the House in setting the State Tax Commission bill as a special order for Thursday at 1 o'clock was regarded as a sort of preliminary test of strength between Speaker Byrd and Hugh A. White, although hardly indicative of actual results on a final vote. Mr. White tried to have the matter deferred until Monday, on the ground that the time named was too short to give proper consideration to the measure. The House thought otherwise.

Labor Bills Approved.

James J. Creamer and Speaker Byrd were successful yesterday in getting through to their engrossment the labor bills. There was considerable opposition in each instance, but no amendments were carried which were not accepted by the patrons. The Creamer bill amends the existing law so as to prevent the employment of women or girls for more than ten hours in a day in workshops, stores or laundries. Heretofore the law has applied to factories, and when it was sought to reach altering departments in stores, test cases were made. It is intended now to relieve saleswomen in mercantile establishments.

The Byrd bill is especially aimed at the working of boys at night. An amendment makes it apply to mines as well as to other activities. It was objected to because it would hamper certain industries, this bringing from the Speaker, who took the floor to fight the bill through, an appeal for the children.

Jordan Bill Up To-Day.

It is probable that a vote will be reached to-day on the Jordan prohibition enabling bill. There are some half a dozen speeches or more to be made on each side, and a few of them will be of considerable length. The understanding is that there is a "gentleman's agreement" on the one hand that the pending question will not be called until debate is concluded, and on the other that no person will talk against time. Under the circumstances, it is believed that argument will not be ended until the morning session to-morrow, although there is a possibility of a vote this afternoon. It is not unlikely that the special order for the lime grinding bill will be delayed because of the Jordan bill discussion.

Colonel J. F. Templeton secured the passage of a bill requiring employes of the State departments to observe longer office hours, making them from 9 o'clock to 5 o'clock, and closing at 2 o'clock on Saturdays. He believes that this course will save money by reducing the number of necessary clerks. The present closing hour is 3 o'clock and noon on Saturdays.

Report on Wise Bill.

The House Committee on Privileges and Elections met last night and without debate reported the Wise prohibition bill, involving a referendum which allows the voters to decide between State-wide prohibition and State-wide license, with a recommendation that it do not pass. This puts it on the same footing with the Jordan bill, and Mr. Wise will endeavor to have it substituted for that measure.

There seemed to be a good deal of opposition to the plan to have the State take charge of and title to the reform schools for boys and girls when it came up in the Senate yesterday. Senator Echols thought the time had not come for such action, and Senator

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HAD NO INTENTION TO BE INSULTING

Ospina Explains Letter, but Knox Will Not Pay Visit to Colombia.

SENOR OSPINA.

Washington, February 19.—Secretary of State Knox will not visit Colombia during his proposed tour of the countries bordering on the Caribbean Sea, unless there is a special invitation from the Colombian government. This announcement was made by Acting Secretary Huntington Wilson to-night who also declared that such an invitation is unlikely.

"There must be some confusion in the interpretation of the report from Palm Beach," he said, "that Secretary Knox, by carrying out the original itinerary laid out for him, would include Colombia. Unless there is a special invitation from Colombia, Mr. Knox will not go there. I may say that we hardly expect it."

Not Especially Concerned.

Mr. Wilson would not say whether his prediction that no invitation would be forthcoming was based on Senor Pedro Nel Ospina's personal letter to him, made public yesterday, or whether it was a consequence of the strained relations existing for the last eight years between the two governments over the acquisition of the Panama Canal zone. He intimated, however, that the State Department felt no especial concern over the action of the Colombian minister here, and was not wrought up over the incident. "Our position," he declared, "is one of self-contained unconcern."

There were indications, however, that Senor Ospina's act was regarded as a breach of etiquette, not so much because of the nature of his response to a State Department communication, but because he had made public correspondence without securing the consent of the other party. Officials versed in diplomatic etiquette incline to the opinion that the letter itself contained no insulting language.

Senor Ospina to-night disclaimed in a public statement any intention of insulting either the United States government or Secretary Knox by his personal notification to the State Department that a visit to his country by the secretary would be "inopportune."

The minister declares that his letter was "intended to be couched, and is couched, in polite and considerate language, and was written to avoid any possible unpleasantness to Secretary Knox by a visit to Colombia."

Senor Ospina reiterated that he thought the trip inopportune, "because the citizens of Colombia are naturally deeply aggrieved to find their country the only one in the whole world with which the United States refuses to enter into a treaty of arbitration."

The action of Senor Ospina found many sympathizers to-day, not only among members of the Latin-American diplomatic corps, but some members of Congress as well applauded the move.

Sulzer Sides With Ospina.

Representative Sulzer, chairman of the House Committee on Foreign Affairs, issued a statement siding with the Colombian minister in his demand for arbitration.

"The testimony thus far adduced before the committee," said Representative Sulzer, commenting on the progress of the Rainey investigation, shows conclusively that the taking of Panama was the result of a conspiracy carefully planned and cleverly executed. It cannot be justified in morals or law. The government of the United States must make reparation for the outrage to the republic of Colombia. Unless this is done we cannot expect the friendship of the trade of our sister republics in Central and South America. The Committee on Foreign Affairs will proceed diligently with the investigation."

Mr. Sulzer's remarks are in conflict with what is said to be the attitude of the State Department toward Colombia's demand for arbitration of the dispute growing out of the partition of Panama, it being held by this government that any differences in connection with the affair were wholly between Panama and Colombia, and that the United States, as a third party, has nothing to arbitrate.

Senor Ospina's communication to the State Department, admittedly his personal views, it was said by some diplomats, probably would be confirmed by the Colombian government. This is assumed from the fact that Senor Ospina is a political leader in the republic.

A severance of diplomatic relations, therefore, is looked for here as assured, unless the United States indicates a willingness to submit the differences to arbitration, which is practically Colombia's ultimatum.

AFTER BALLOON RECORD

Wade and Assman Will Try to Set New Marks.

San Antonio, Tex., February 19.—Two attempts to break the world's long distance balloon record this spring will have their inception in San Antonio, William Assman, of St. Louis, and J. H. Wade, of Cleveland, O., will act as pilots of the balloons, and the former will travel without an aide. Both Assman and Wade are in San Antonio making preparations for their flights.

Assman started from this city last February, but ran into a snow storm in Missouri and was compelled to land.

ROOSEVELT GETS SILENT SUPPORT

Alvah Martin's Faction Wouldn't Indorse Taft in Convention.

LATTER PRAISED BY CABELL WING

Two Sets of Delegates Elected From Third District, Brady-Hanson Contingent Failing to Instruct—Action by Outs Indicates That Roosevelt Is in Race.

Theodore Roosevelt, as a presidential candidate, figured largely in the Third District Republican Convention, held yesterday in South Richmond. Incidentally, it might be said that two conventions were held—one by the Cabell-Allan-Moore faction, and the other by the Brady-Flegenheimer-Treat wing. Each elected delegates to the national convention and other officers, and the breach is greater now than ever before. The presence of a big squad of police and detectives made everything orderly.

Heretofore the county and city conventions have indorsed the Taft administration, and yesterday the Cabell followers, duly organized, indorsed President Taft and elected instructed delegates to the Chicago convention. But there was no indorsement for Mr. Taft by the Brady-Flegenheimer-Treat people, the strange point connected with this being the fact that this element is lined up solidly behind Alvah H. Martin, national committeeman, and Congressman C. Bascom Slemp. Mr. Taft is with Martin.

Taft Stands With Martin.

Only on Saturday he summoned Commissioner Cabell to the White House and informed him politely but emphatically that the fight in Virginia had to cease; that Martin was the man. And now on the heels of this the Martin followers, in convention assembled, have refused to indorse the President, which means that the uninstructed delegates will be free to support Colonel Roosevelt. In other words, the "outs" are not with Taft. After the meeting yesterday there was strong talk that Roosevelt would be nominated, but the swing away from the President by officeholders this early in the fight indicates their belief that he will not secure a second nomination. Except for the fact that the Brady wing is a part of the Martin organization, the action in South Richmond would be unimportant, and there were many suggestions that Mr. Martin will now be summoned to the White House to explain why his friends and followers had kicked over the traces.

Caused Great Surprise.

Prominent in this anti-Cabell stronghold, which is working in harmony with Martin, are Republicans in and out of office. Joseph P. Brady is clerk of the United States District Court; Melvin Flegenheimer is United States commissioner; George A. Hanson is not an officeholder, nor is Morgan Treat, the latter having been fired out as United States marshal about three years ago. Commissioner Cabell is no longer seeking the Martin scalp, and the surprise was great in Republican circles when it became known that Martin's followers had failed to indorse Taft when Taft had virtually indorsed Martin's control in Virginia. In the event of Roosevelt's nomination and election it was said that Martin may continue to be the dictator in the matter of Federal patronage, though it remains to be seen what position Taft will take, even if he is defeated or re-elected.

Aside from the fact that two meetings were held, no average man could figure the exact standing of the two factions yesterday. George A. Hanson, in addressing his convention, claimed thirty of the thirty-eight delegates Edgar Allan, Jr., denied this assertion holding that his side had twenty-eight of the thirty-eight delegates. The contest will be settled finally by the national convention, and it will be settled there according to the strength of the Taft and Roosevelt forces.

How It All Started.

When the "ins" and "outs" of the Republican party gathered yesterday at noon in South Richmond for the purpose of holding the convention of the Third Congressional District, it was found that the hall in the Leader Building, designated for the meeting, was locked, and the key was in the posession of C. Ridgway Moore, district chairman. Surrounded by a squad of half a dozen uniformed policemen, and with equally as many detectives, the crowd of probably 100 voters, about equally divided, climbed the two flights of steps leading to the auditorium, and there Mr. Moore announced that all delegates and alternates whose credentials were properly countersigned would be admitted. As each of the delegates recognized by the Moore-Cabell-Allan-Arnold faction presented himself he was given a card or ticket and allowed to enter. The names of the contesting delegation of the Hanson-Brady-Treat wing were called, and they were told that they might have seats in the hall. They refused, with the exception of Morgan Treat, who entered and retired when a motion was adopted for a recess of ten minutes.

In a short while they got permission from Judge E. H. Wells, of Hustings Court, Part II., to hold a second meeting in the courtroom.

While the supporters of Moore-Allan-Cabell-Arnold indorsed President Taft by a rising vote and pledged the delegates of the district to support him, the Brady-Hanson-Flegenheimer party indorsed no one and adopted the following resolution:

"Resolved, That we renew our allegiance to the Republican party and pledge our loyal support to the candidate of that party, whoever he may be."

Two Factions Elect.

The elections of the two sides resulted as follows:

Brady-Hanson-Flegenheimer Wing—Delegates to national convention—Joseph P. Brady, of Richmond, and W. R. Vawter, of Henrico county. Alternates—Melvin Flegenheimer, of Richmond,

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HOUSE CURTAILS CONTRACT LABOR

Six Hundred Convicts Go to State Highway Forces.

BOARD WILL LEASE FIVE HUNDRED

Creamer Loses Stern Fight for Abolition of System—Committee Could Find No Way for Employment of Unsafe Men Save by Contract.

Six hundred of Virginia's convicts now at work in the State Penitentiary are to go on the road forces after May 1 of next year, when the contract with the Thacher Company will expire. Approximately 500 will be employed on some form of contract at the State Prison, leaving perhaps 100 to be used in work for the State about the penitentiary.

The House of Delegates, by a vote of 65 to 19, yesterday passed the bill already agreed upon by the joint Committees on Roads and Internal Navigation of the House and Senate, and defeated the Creamer bill forbidding the making of any contract for convict labor without specific authorization of the General Assembly.

Creamer Leads Opposition.

There was no opposition to the bill on the ground of reduction of revenue to the State. No mention was made of any mercenary consideration. The only fight on the bill, on the contrary, was made by those who believe there should be no contract of any sort, but that all the prisoners should be used in labor for the State and its institutions. This opposition was led by James J. Creamer, of this city, who fought the legislation step by step. On some of his propositions the vote was much closer than on the passage of the bill, and in fact a tie was registered on a motion to pass by a motion to reconsider, so as to bring the matter up again on a future day. The Speaker voted in the negative, breaking the tie.

Seeing that he was in the minority, Mr. Creamer spoke for an amendment requiring that no contract should be made at a price of less than 50 cents a day for men and 60 cents for women. But the House refeused to reconsider so that the measure might be recommitted to a committee for amendmenet.

No Other Work for Men.

The statement of Chairman Throckmorton, of the joint committee, that no method of employment of the 611 men believed to be too dangerous to be used in road work had been advanced by those who favored the abolition of the lease system, and that it would be the worst form of cruelty, besides unnecessary expense, to keep them in idleness, evidently had its weight.

Rev. J. T. Mastin, secretary of the State Board of Charities and Corrections, was quoted as opposing the use of the convicts in making clothing for inmates of State institutions, as such a course would deprive the people of these places of their employment, so necessary to their happiness.

Two bills were passed, only the first meeting with opposition. It provides that after May 1, 1913, the convicts in the State prison shall be considered members of the road force, and that such men shall be used in the construction of highways under the control of the State. The men who are regarded as too unsafe to be worked on the roads are to be used either in working for the State in the prison or are to be let to contract, under such conditions as may be approved by the directors of the penitentiary, the Governor and the secretary of the State Board of Charities and Corrections.

The other measure merely says that all persons sentenced to the penitentiary or to jails shall be eligible for work on the roads, instead of those whose terms are for less than five years, as is now the case.

Price Not Specified.

Mr. Creamer objected on the ground, that the bill does not say what price is to be paid for the prison labor which is to be let to contract. Mr. Throckmorton replied that the subcommittee had thrown every safeguard around this feature, and that the persons named would see that the State's interest is protected.

Mr. Creamer said that 300 persons were present at the public hearing before the joint committee in opposition to any sort of contract, but that no person had appeared in favor of hiring out the prisoners. No Virginia manufacturer had put in a bid for the labor.

After the passage of the bill, by a vote of 65 to 19, Mr. Oliver, who voted for it entered a motion to pass by a motion to reconsider, for the purpose of studying the measure more closely. It was lost on a show of hands by 34 to 35, and a roll call was forced, with a vote of 36 for passing by and 49 against.

Speaking then on a motion to reconsider, Mr. Creamer said that this is the first opportunity the State has had to throttle the contract labor system. Many people, he insisted, had expressed the strongest condemnation of the hiring out of men, but that the Legislature, he was sorry to see, was not taking hold of the proposition with much alacrity.

Curious Figures.

"We first heard that there were perhaps 300 men," he said, "in the prison not regarded as safe to work on the roads. Later this number was placed at 500. Then we learned that there were 611 of this class. Now I am informed that 110 men are employed in odd jobs about the penitentiary. Adding these to the 500 men asked for by the shirt factory which is bidding on the convict labor, we see a very nice calculation, smoothly made. I want to say here that I regard the present superintendent of the penitentiary one of the best men Virginia has ever had in that position."

Mr. Rutherfoord here inquired if the statement regarding the number of

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CHALONER'S CASE BROUGHT TO TRIAL

His Fight for Control of Estate Gets Under Way.

WILL NOT ATTEND COURT IN PERSON

Privileged Visit to New York Would Probably Mean Spending His Time Locked Up in Tombs—Friends and Neighbors Ready to Testify as to His Sanity.

[Special to The Times-Dispatch.]

New York, February 19.—John Armstrong Chaloner's long pending action to recover control of his property, which his family put in the hands of Thomas T. Sherman as committee of the estate, finally was brought to trial this afternoon before Judge Holt and a jury in the United States District Court. Chaloner's guardian, Sherman, is named as defendant.

The estate approximates a value of $1,500,000, and was taken from Chaloner's control in 1899, when an order of the New York Supreme Court found the man to be of unsound mind and committed him to Bloomingdale Asylum. A year later Mr. Chaloner escaped and fled to Virginia, where he has resided since in Albemarle county on an estate known as The Merry Mills.

In 1901 the County Court of Albemarle county adjudged Mr. Chaloner sane and capable of managing his own affairs. Three years later he brought suit in the Federal Circuit Court in this district against Sherman, averring that he was sane, that the order of the Supreme Court of the State committing him as insane was void, and that he was entitled to recover damages on the theory that Sherman had converted his property in his hands as committee.

Up Against Stone Wall.

At the outset Mr. Chaloner ran up against a stone wall. He applied to the Circuit Court here for an order of protection so that he could come here and prosecute his suit without danger of being thrown again into Bloomingdale. The application was denied, whereupon an appeal was taken to the Federal Circuit Court of Appeals.

The higher court granted the application on condition, however, that Mr. Chaloner should place himself absolutely in the custody of Marshal Henkel. That meant most likely that he would have to spend his time while here in the Tombs, or at least in some hotel or apartment under constant espionage.

Mr. Chaloner has never taken advantage of the privilege of coming here, and his counsel for the trial, Hugh Gordon Miller, is not certain that his client will be here at all. Many Virginians, neighbors and acquaintances of Mr. Chaloner, of more or less prominence, are here, and more are coming, ready to testify in his behalf.

Mr. Chaloner is a brother of former Lieutenant-Governor Lewis Stuyvesant Chanler and of Robert W. Chanler, the former sheriff, and ex-husband of Lina Cavalleri, the French prima donna. Mr. Chaloner was the husband of Amelie Rives, the authoress, who is now Princess Troubetskoy. He changed his name from Chanler to Chaloner at Raleigh, N. C., in 1908, asserting that the latter was the ancient patronymic of the family.

Mr. Chaloner always has asserted that his family conspired to take his property away from him, and to have him shut up as a lunatic. He asserts that he has always been quite capable of managing his own affairs, and this seems to be the belief of his numerous friends and neighbors in Virginia.

Former Wife Thinks Him Sane.

Certain it is that many of those who are prominent in business, the professions and public life are here prepared to testify that Mr. Chaloner, in their opinion, is not only of sound mind, but of more than average intelligence. The Princess Troubetskoy, Mr. Chaloner's former wife, has said that she believes him sane.

Mr. Sherman was represented by Joseph H. Choate, Jr., an auburn-haired youth of manners resembling in suavity and geniality those of his distinguished parent.

Mr. Chaloner's lawyers are Hugh Gordon Miller, F. A. Ware, William D. Reed, of this city, and W. Gilman Dunn, of Charlottesville, Va.

Lawyer Ware opened the Chaloner side of the case. He dwelt on the achievements of Mr. Chaloner as a business man, educator and author. Mr. Ware quoted "Chaloner on Insanity," as conclusive proof that the lunacy laws of this State give a man charged with insanity no proper opportunity to prove his sanity. He also referred to Mr. Chaloner's narrative of his Bloomingdale experience, "Four Years Behind the Bars," as in itself proper evidence that Mr. Chaloner was at all times able to take care of himself and his property.

"A man in this State who is guilty of murder may forfeit his life or be confined in prison for life," said Mr. Ware. "But he may not be tried in his absence, as was Chaloner, though he was at White Plains, and the sheriff's jury, which adjudged him insane, was only twenty miles away. Either death or life imprisonment is preferable to the fate to which Mr. Chaloner's brothers condemned him."

Mr. Ware said Mr. Chaloner's trouble with his family began when as a young man he had a fight with Winthrop Astor Chanler, in which Winthrop got a cut on the head, "which," said Mr. Ware, "the brother has still, apparently, a lively memory."

Bigger Family Breach.

There was a bigger breach in the family when Aleda Emmett, W. A. Chanler, Robert M. Chanler, Winthrop Chanler and Louis Chanler were not invited to Chaloner's wedding when he married Amelie Rives, now the Princess

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NAME OF PITNEY SENT TO SENATE

Taft Nominates New Jersey Jurist for Supreme Court Bench.

MAHLON PITNEY.

Washington, February 19.—President Taft to-day sent to the Senate the nomination of Chancellor Mahlon Pitney, of New Jersey, to be an Associate Justice of the United States Supreme Court.

In executive session the Senate without discussion referred Chancellor Pitney's nomination to the Committee on Judiciary, which probably will make a report next Monday.

Approved by Wilson.

Trenton, N. J., February 19.—Governor Wilson to-night gave out the following statement relative to the appointment of Chancellor Pitney to the Supreme Court bench:

"I have know Chancellor Pitney ever since we were young men together at college, and I feel that both in character and in attainments he is singularly fitted for the great position for which the President has chosen him. I think New Jersey is to be congratulated upon this choice of a representative and that the court will find itself enriched by his presence."

Chancellor Pitney, besides being recognized as an able jurist, is popular because of his geniality. Before going on the Supreme Court bench, he was active in politics, and represented the old Fourth New Jersey District in Congress.

Chancellor Pitney became a Supreme Court justice in 1901, and in 1908 was appointed by Governor Fort to be Chancellor of the State, the highest judicial position in New Jersey.

Labor Federation Protests.

Des Moines, Ia., February 19.—A. L. Urick, president of the Iowa Federation of Labor, to-day addressed Senators Cummins and Kenyon at Washington, protesting against the appointment by President Taft of Chancellor Mahlon Pitney, of New Jersey, to succeed the late Justice Harlan on the Supreme bench.

In a statement, President Urick said the appointment of Pitney would be inimical to the interests of the entire working classes in the United States. He cited several recent judicial opinions as indicating that Chancellor Pitney was irrevocably pledged to property rights as against human rights.

PEACE IN HAWLEY AFFAIRS

Former Railway King's Attorney Says There Is No Friction.

New York, February 19.—Denying positively that a will of the late Edwin Hawley, the railroad financier, had been found, or that there was friction between Miss Margaret Cameron, Hawley's ward, and the heirs of the estate John B. Stanchfield, who was Mr. Hawley's attorney, said to-night that the administration of the estate through the ordinary court procedure was progressing without the promise of litigation, as some reports would appear to indicate.

"A great deal has been printed about Miss Cameron which is untrue," said Mr. Stanchfield. "All who knew Mr. Hawley were aware that Miss Cameron became his ward when she was nine years old. Mr. Hawley's heirs understand the situation fully, and I say positively there is no friction whatever between them and Miss Cameron. That she will be a factor in the disposition of the affairs of the estate cannot be denied, but whatever is done will be done amicably, so that there will be no contest of any kind."

AEROPLANE TURNS TURTLE

It Becomes Unmanageable and Aviator Is Injured.

Augusta, Ga., February 19.—Lieutenant F. M. Kennedy, of the army aviation school, received painful injuries this afternoon when the Curtiss aeroplane he was driving became unmanageable and turned turtle in mid-air, throwing Kennedy twenty or thirty feet to the ground. Part of the machine fell upon Kennedy, crushing two ribs. He was taken to the hospital in an unconscious condition, but examination showed that his injuries were not serious.

BANDIT ON THE B. & O.

Robs Sleeping Car Passengers and Leaps From Train.

Baltimore, Md., February 19.—While the New York-St. Louis express, westbound on the Baltimore and Ohio Railroad, was ascending the seventeen-mile grade between Piedmont and Altamont, W. Va., in the Alleghany Mountains, shortly before 10 o'clock to-night, a masked man, armed with two pistols, jumped on one of the sleeping cars and robbed the passengers of money and valuables. He dropped off and escaped just before the train reached Altamont.

DEATH ON GALLOWS VOIDS INSURANCE

Supreme Court Decides Against Heirs of James S. McCue.

IN KEEPING WITH PUBLIC POLICY

Only Congress May Object to Initiative and Referendum Method of Legislation, It Being No Affair of Court, Justices Themselves Unanimously Decide.

Washington, February 19.—Death by the hand of the law voids all life insurance policies of the criminal. The Supreme Court so held to-day in the fight of the children of James S. McCue, Mayor of Charlottesville, Va., who was executed for the murder of his wife in 1905. A policy for $15,000 was carried by McCue in the Northwestern Mutual Life Insurance Company of Wisconsin.

The United States Circuit Court of Appeals for the Fourth Circuit held that the policy was made in Wisconsin, and under the Wisconsin laws was not annulled by execution on the gallows. The Supreme Court to-day held that the policy was not to go into effect until the payment of the premium, which was made in Virginia, and therefore that the policy was made in Virginia, and was not governed by Wisconsin law.

After reviewing the cases in the Federal courts and in the courts of Virginia, the court announced that public policy in both Federal and Virginia jurisdictions demanded that death by the law should void life insurance.

Question for Congress.

Washington, February 19.—Only Congress, and not the Supreme Court of the United States, may object to the initiative and referendum method of legislation in the States, so the court itself decided to-day.

That tribunal held that the question of whether a State still maintained a republican form of government, guaranteed by the Federal Constitution, after it adopted the initiative and referendum method, was a political problem for Congress, and not a judicial one for the courts.

The decision was based on the claim of the Pacific States Telephone and Telegraph Company that a tax upon it, imposed by the initiative and referendum method in Oregon, was unconstitutional.

The initiative and referendum provisions in Missouri, California, Arkansas, Colorado, South Dakota, Utah, Montana, Oklahoma, Maine and Arizona hung in the balance. An adverse decision would have affected proposed legislation of that character in many other States.

Opinion Unanimous.

Chief Justice White announced the decision of the court. None of the justices dissented. The Chief Justice said that "a singular misapprehension" had existed on both sides of the case, but that the mists and confusion were dispelled by the decision of Chief Justice Taney years ago, in which he disposed of the Dorr's rebellion question. That was the case of Luther vs. Borden, he said, and decided that the enforcement of the guaranty of a republican form of government to the States belonged to the political department of the government, and came up, for instance, on the admission of Senators and members of the House to their respective bodies. The Chief Justice called attention to Chief Justice Fuller following Luther vs. Borden in the controversy over the Kentucky government in the case of Taylor vs. Beckham. Referring to the doctrine as laid down in these two cases, Chief Justice White said:

"It is indeed a singular misconception of the nature and character of our constitutional system of government to suggest that the settled distinction which the doctrine just stated points out between judicial authority over justiciable controversies and legislative power as to purely political questions tends to destroy the duty of the judiciary in proper cases to enforce the Constitution.

"The suggestion results from failing to distinguish between things which are widely different; that is, the legislative duty to determine the political questions involved in deciding whether a State government republican in form exists, and the judicial power and ever present duty, whenever it becomes necessary in a controversy properly submitted, to enforce and uphold the applicable provisions of the Constitution as to each and every exercise of governmental power.

Its Nature Political.

"How better can the broad lines which distinguished these two subjects be pointed out than by considering the character of the defense in this very case. The defendant company does not contend here that it could not have been required to pay a license tax. It does not assert that it was denied an opportunity to be heard as to the amount for which it was taxed, or that there was anything inhering in the tax or involved intrinsically in the law which violated any of its constitutional rights. If such questions had been raised they would have been justifiable, and therefore would have required the calling into operation of judicial power. Instead, however, of doing any of these things, the attack on the statute here made is of a wholly different character. Its essentially political nature is at once made manifest by understanding that the assault which the contention here advanced makes is not on the tax as a tax, but on the State as a State. It is addressed to the framework and political character of the government by which the statute levying the tax was passed. It is the government, the political entity, which (reducing the case to its essence) is called to the bar of this court, not for the purpose of testing judicially some exercise of power assailed on the ground that its exertion has injuriously affected the rights of an individual be-